



March 9, 2023

**Clackamas County Board of Commissioners
Policy Position
Relating to Fitness to Proceed and Indemnity for Services**

Clackamas County supports legislation that provides sufficient and predictable revenue and state indemnification of local government in cases where the county contracts with the State to provide services. Additionally, we are prepared to pursue policies and solutions to rebuild the critical partnerships between the state and counties, exemplifying governments working together to deliver sufficiently funded and high quality services to the public.

A key opportunity to achieve these goals is by finding a solution of mutual benefit related to Aid and Assist. There are two bills this legislative session that seek to address Aid and Assist, but only one (SB 319) would bring us closer to our goal of rebuilding a partnership with the state.

Clackamas County supports SB 319, which provides Local Mental Health Authorities with the same immunity as the state when the local program provides community restoration or restoration of fitness services under contract with the state.

Clackamas County opposes SB 219. Section 3 sets a maximum time period to restore a defendant who lacks fitness to proceed with the charges against the defendant and requires release of the defendant when an arbitrary time period is reached whether or not the defendant has regained fitness, which may result in risks to public safety. The bill also shifts the costs of the hospital stay to the Local Mental Health Authority and the Community Mental Health Program, when the Oregon State Hospital has determined the individual no longer meets hospital level of care, regardless of whether there is an appropriate discharge plan. This places additional responsibilities on the local communities without sufficient funding and would likely bankrupt smaller programs.

We urge a “yes” vote on SB 319.

Please contact Chris Lyons at clyons@clackamas.us for more information.